

**IN THE DISTRICT COURT OF THE UNITED STATES FOR THE  
MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION**

**E. K., INDIVIDUALLY; E. K. BY AND  
THROUGH HER NEXT FRIEND AND  
MOTHER, AMY ATKINS,**

**Plaintiffs,**

**CIVIL ACTION NO.  
3:07-CV-1083-MHT**

**v.**

**CHILD DEVELOPMENT SCHOOLS, NC.,  
d/b/a CHILDCARE NETWORK,**

**Defendants.**

**PLAINTIFFS' RESPONSE TO COURT'S ORDER TO SHOW CAUSE**

COME NOW the Plaintiffs, E.K. and Amy Atkins, and in response to the Motion to Quash or Modify Subpoena, or in the Alternative, Motion for Protective Order filed by the Alabama Department of Human Resources (DHR) and the Court's Order of March 4, 2008, shows as follows:

1. This lawsuit involves an allegation of improper sexual contact between two (2) students at this defendant's daycare. The incident was allegedly self-reported by the defendant to DHR, and upon information and belief, DHR conducted an investigation and issued a report. This defendant directed a subpoena to DHR in order to obtain a copy of the DHR file regarding this particular incident. Plaintiffs agree that the investigation conducted by DHR is relevant and/or reasonably calculated to lead to the discovery of other relevant information.

2. At the time of this alleged incident (May 2005), the plaintiff's father was under investigation by DHR for allegations of physical abuse, not sexual abuse, regarding

a sister, also a minor, of the Plaintiff E.K. This defendant issued a subpoena to DHR to obtain those records and the plaintiffs object to those records being obtained by the Defendant but do not object to an *in-camera* review by the magistrate to confirm that E.K. was not the subject of that inquiry.

WHEREFORE, premises considered, the Plaintiffs respectfully show cause as to why DHR's motion should be granted partially, but that any investigation into the incident which is the subject of this lawsuit should be produced following an *in camera* review and pursuant to a reasonable Protective Order.

Respectfully submitted,

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s/Jerry Roberson

Jerry Roberson (ROB010)

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 13<sup>th</sup> day of March, 2008, I served a copy of the foregoing document upon counsel of record either through the **CM/ECF system**, via facsimile or by placing a copy of the same in the United States Mail, first class postage prepaid and addressed as follows:

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s/Jerry Roberson